IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 1834 of 2005 (S/S)

Smt. Poonam Bhatnagar
W/o late Kuldeep Bhatnagar
R/o Mohalla Mungali Garden
Rampur Road,
Haldwani(Nainital)

Petitioner

Versus

1 State of Uttaranchal
Through Home Secretary
Uttaranchal Shashan
Dehradun
2 Inspector General of Jail
Uttaranchal Dehradun
3 Superintendent of Jail
Sub Jail Haldwani (Nainital)
4 Vishwnasth Upadhyaya
S/o Sri Jagnnath Prasad Upadhyaya
R/o Jail Campus, Haldwani(Nainital) Respondents

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition under Article 226 of the Constitution of India the petitioner Poonam Bhatnagar has prayed for issuing directions in the nature of mandamus direction the respondents to allow the petitioner to work as petition writer. It has also been prayed to issue directions in the nature of certiorari to quash the order dated 28.11.2005 which has been annexed as Annexure No.3 to the writ petition.

Heard learned counsel for the petitioner has submitted that the person who has been appointed as Petition Writer by way of order

dated 28.11.2005 is the son of Jail official as Vishwnath Upadhyaya who has been engaged as Petition Writer, his father is an employee of Sub Jail, Haldwani.

My attention has been invited by the learned counsel for the petitioner towards the provisions of UP Jail Manual Chapter XXVI para 699 and it has been submitted that in view of this para no Jail Officer or the relative of any Jail Officer shall be allowed to engage as petition writer.

It has been submitted by him that the petitioner has already made representation to the Superintendent of Jail as well as the SDM on 2.12.2005 but no action has been initiated on the representation made by the petitioner as yet.

In view of the submissions advanced by the learned counsel for the petitioner, I direct that in case, if petitioner moves representation before respondent No.2, the same shall be disposed by speaking order within a period of one month from the date of filing a certified copy of the order passed by this court.

With the aforesaid observations the writ petition stands disposed of.

(B.C. Kandpal, J)

9.12.2005

nbj